

REMARKS

Claims 1-8 are pending in this Application. By this Amendment, the abstract has been amended. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

I. Formal Matters

The Office Action objects to the abstract. The abstract is amended responsive to the objection. Accordingly, the Applicant respectfully requests that the Examiner withdraw the objection.

II. Claims Define Patentable Subject Matter

The Office Action rejects claims 1 and 4-8 under 35 U.S.C. §102(e) as being anticipated by Nireki (U.S. Patent No. 6,998,805); and rejects claims 2-3 under 35 U.S.C. §103(a) as being unpatentable over Nireki in view of Hamano (U.S. Patent No. 5,205,555). The Applicant respectfully traverses these rejections for improperly being based upon a reference that is not prior art, as follows.

The Applicant notes that the present application claims foreign priority from Japanese priority document JP 2003-003769, filed January 9, 2003. A certified copy of the Japanese priority document was filed on January 7, 2004. To perfect the claim for priority, the Applicant encloses herein a verified English language translation of the Japanese priority document. As such, the effective date of the present application is **January 9, 2003.**

The earliest effective U.S. filing date of Nireki (U.S. Patent No. 6,998,805) is **October 31, 2003**. Hence, the effective U.S. filing date of Nireki is more than nine months *after* the effective date of the present application, and thus, Nireki is *not* prior art.

Because Nireki is not prior art for the reasons discussed above, the Applicant respectfully requests that the Examiner withdraw the §102(e) rejection over Nireki and the §103(a) rejection over Nireki in view of Hamano.

For at least the above reasons, the Applicant submits that claims 1-8 are allowable over the cited references.


III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number set forth below.

In the event this paper is not considered to be timely filed, the Applicant hereby petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing Attorney Dkt. No. 024016-00076.

Respectfully submitted,


Bogdan A. Zinchenko
Registration Number 57,473

Customer Number 004372
ARENT FOX LLP
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: 202-857-6000
Fax: 202-638-4810

BAZ/hs

Attachment: Substitute Abstract
Copy of Verified English Language Translation of JP 2003-003769